

109TH CONGRESS
2D SESSION

H. R. 5382

To promote the development of democratic institutions and full respect for human rights in the countries of Central Asia.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2006

Mr. SMITH of New Jersey (for himself, Mr. MCINTYRE, Mr. MCCOTTER, Mr. LANTOS, Mr. PITTS, Mr. BURTON of Indiana, and Mrs. JO ANN DAVIS of Virginia) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the development of democratic institutions and full respect for human rights in the countries of Central Asia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Central Asia Democ-
5 racy and Human Rights Promotion Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Fifteen years after independence, the five
2 countries of Central Asia—Kazakhstan, Kyrgyzstan,
3 Tajikistan, Turkmenistan, and Uzbekistan—are
4 struggling, to varying degrees, with their transition
5 from authoritarian rule to democratic societies that
6 fully respect human rights and uphold their freely
7 undertaken commitments as participating States in
8 the Organization for Security and Cooperation in
9 Europe (OSCE).

10 (2) As OSCE participating States, the countries
11 of Central Asia committed themselves in the Charter
12 of Paris for a New Europe to “build, consolidate
13 and strengthen democracy as the only system of gov-
14 ernment of our nations”.

15 (3) In the Global War on Terrorism, the United
16 States is increasingly engaged with the countries of
17 Central Asia on a political, economic, and military
18 basis.

19 (4) In the Global War on Terrorism, policies
20 that bolster authoritarian governments which sup-
21 press and terrorize their own people will ultimately
22 be self defeating, as repression often breeds extre-
23 mism and terrorism.

24 (5) The Final Report of the National Commis-
25 sion on Terrorist Attacks Upon the United States

1 (commonly referred to as the “9/11 Commission”)
2 recommended: “[T]he United States must stand for
3 a better future. One of the lessons of the long Cold
4 War was that short-term gains in cooperating with
5 the most repressive and brutal governments were too
6 often outweighed by long-term setbacks for Amer-
7 ica’s stature and interests.”.

8 (6) The September 2004 Final Report of the
9 Defense Science Board Task Force on Strategic
10 Communication stated: “The perception of intimate
11 U.S. support of tyrannies in the Muslim World is
12 perhaps the critical vulnerability in American strat-
13 egy. It strongly undercuts our message, while
14 strongly promoting that of the enemy.”.

15 (7) In a speech to the United Nations General
16 Assembly on September 21, 2004, President George
17 W. Bush stated: “People everywhere are capable of
18 freedom, and worthy of freedom . . . For too long,
19 many nations, including my own, tolerated, even ex-
20 cused, oppression in the Middle East in the name of
21 stability. Oppression became common, but stability
22 never arrived. We must take a different approach.”.

23 (8) In his second inaugural address on January
24 20, 2005, President George W. Bush stated: “For
25 as long as whole regions of the world simmer in re-

1 sentment and tyranny—prone to ideologies that feed
2 hatred and excuse murder—violence will gather, and
3 multiply in destructive power, and cross the most de-
4 fended borders, and raise a mortal threat.”. In this
5 address, President Bush further declared: “It is the
6 policy of the United States to seek and support the
7 growth of democratic movements and institutions in
8 every nation and culture, with the ultimate goal of
9 ending tyranny in our world.”.

10 (9) The October 2005 National Intelligence
11 Strategy of the United States of America, issued by
12 the Director of National Intelligence, stated: “We
13 have learned at our peril that the lack of freedom in
14 one state endangers the peace and freedom of oth-
15 ers. . . . Self-sustaining democratic states are essen-
16 tial to world peace and development.”.

17 (10) The March 2006 National Security Strat-
18 egy of the United States of America states: “The
19 United States must defend liberty and justice be-
20 cause these principles are right and true for all peo-
21 ple everywhere.”.

22 (11) The National Security Strategy of the
23 United States of America further elaborates: “These
24 nonnegotiable demands of human dignity are pro-
25 tected most securely in democracies. The United

1 States Government will work to advance human dig-
2 nity in word and deed, speaking out for freedom and
3 against violations of human rights and allocating ap-
4 propriate resources to advance these ideals.”.

5 **SEC. 3. SENSE OF THE CONGRESS.**

6 It is the sense of Congress that—

7 (1) the United States should support those gov-
8 ernments and individuals making substantial and
9 sustained progress to establish democracy, guarantee
10 the rule of law, and protect human rights;

11 (2) the United States should use every peaceful
12 means at its disposal to encourage the countries of
13 Central Asia to provide greater respect for democ-
14 racy, the rule of law, and human rights, thereby pro-
15 moting the long-term stability and security of the
16 Central Asian region, and ensure that all assistance
17 programs for the Central Asian region support and
18 communicate this goal; and

19 (3) the United States should seek and support
20 the growth of democratic movements and institu-
21 tions in every nation and culture, with the ultimate
22 goal of ending tyranny in our world.

1 **SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY, RULE OF**
2 **LAW, AND HUMAN RIGHTS IN THE COUN-**
3 **TRIES OF CENTRAL ASIA.**

4 (a) **PURPOSES OF ASSISTANCE.**—The purposes of as-
5 sistance under this section include—

6 (1) to encourage free and fair presidential, par-
7 liamentary, and local elections in the countries of
8 Central Asia, conducted in a manner consistent with
9 Organization for Security and Cooperation in Eu-
10 rope (OSCE) and internationally accepted stand-
11 ards;

12 (2) to ensure in the countries of Central Asia
13 the full respect for all human rights, including free-
14 dom of expression and the media, freedom of reli-
15 gion and association, prevention of torture, and the
16 end of human trafficking from, to, and through the
17 Central Asian region, conducted in a manner con-
18 sistent with OSCE and internationally accepted
19 standards; and

20 (3) to develop rule of law, in particular inde-
21 pendent judicial systems and professional law en-
22 forcement, and to combat corruption, conducted in a
23 manner consistent with OSCE and internationally
24 accepted standards.

25 (b) **AUTHORIZATION FOR ASSISTANCE.**—

1 (1) IN GENERAL.—To carry out the purposes of
2 subsection (a), the President is authorized to provide
3 assistance for the countries of Central Asia to sup-
4 port the activities described in subsection (c).

5 (2) LIMITATION.—The authority to provide as-
6 sistance for the countries of Central Asia under
7 paragraph (1) shall be subject to all applicable limi-
8 tations on assistance for such countries and other
9 requirements relating to assistance for such coun-
10 tries under any Act making appropriations for for-
11 eign operations, export financing, and related pro-
12 grams.

13 (c) ACTIVITIES SUPPORTED.—Activities that may be
14 supported by assistance under subsection (b) include—

15 (1) observing elections and promoting free and
16 fair electoral processes;

17 (2) encouraging the development of sustainable
18 civic structures representative of society, such as en-
19 vironmental groups, independent labor unions, demo-
20 cratic political parties, and other community-based
21 organizations;

22 (3) maintaining libraries in the languages of
23 Central Asia to explain democracy in the United
24 States;

1 (4) developing independent media to work in
2 the countries of Central Asia, supported by
3 nonstate-controlled printing facilities;

4 (5) independent radio and television broad-
5 casting to and within the countries of Central Asia;

6 (6) encouraging the liberalization of laws affect-
7 ing religious practice and their enforcement to pro-
8 mote greater freedoms for individuals to meet alone
9 or in community with others, to move freely, and in
10 the sharing of beliefs;

11 (7) educating law enforcement officials with re-
12 spect to the existence and enforcement of legal pro-
13 hibitions concerning torture;

14 (8) prosecuting human traffickers, as well as
15 providing increased police training and education ef-
16 forts, including on forced labor;

17 (9) training and assistance for judicial reform
18 and development;

19 (10) training in democratic governance and
20 human rights for nationals and exiles of the coun-
21 tries of Central Asia who are unable to live in their
22 own country due to fear of persecution;

23 (11) training in effective human rights and hu-
24 manitarian law as a part of non-lethal training pro-
25 grams for units of the security forces of the coun-

tries of Central Asia (other than any unit of the security forces of such countries with respect to which the Secretary of State has credible evidence that such unit has committed gross violations of human rights);

(12) establishing programs to combat corruption and support good governance; and

(13) other activities consistent with the purposes of this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on assistance provided for the countries of Central Asia under this section for the one-year period ending 30 days prior to the transmission of the report.

(2) CONTENTS.—The report shall include with respect to each country of Central Asia a detailed description of each of the following:

(A) The types and amount of assistance provided under this section, including the types and amount of defense articles and defense services and the amount of financial assistance.

In addition, the name of each department or

1 agency of the Government of the United States
2 that provides assistance under this section and
3 the name of each recipient of such assistance.

4 (B) The use of such assistance, including
5 the use of defense articles, defense services, and
6 financial assistance, by units of the armed
7 forces, border guards, or other security forces
8 of the country.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated to the President to carry out this sec-
12 tion \$118,200,000 for each of the fiscal years 2007
13 and 2008.

14 (2) AVAILABILITY.—Amounts appropriated pur-
15 suant to the authorization of appropriations under
16 paragraph (1) are authorized to remain available
17 until expended.

18 **SEC. 5. RADIO BROADCASTING TO THE COUNTRIES OF CEN-**
19 **TRAL ASIA.**

20 (a) PURPOSE.—The purpose of this section is to au-
21 thorize increased support for surrogate radio broadcasting
22 to the countries of Central Asia that will facilitate the
23 unhindered dissemination of information in the Central
24 Asian region regarding the activities supported by this
25 Act.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
2 tion to such sums as are otherwise authorized to be appro-
3 priated, there are authorized to be appropriated
4 \$15,000,000 for each of the fiscal years 2007 and 2008
5 for Voice of America and RFE/RL, Incorporated for ex-
6 panded radio broadcasting to the people of the countries
7 of Central Asia in languages spoken in Central Asia, in-
8 cluding broadcasting in the Russian language, and the es-
9 tablishment of Internet websites.

10 (c) REPORT.—Not later than 120 days after the date
11 of the enactment of this Act, the Secretary of State shall
12 submit to the appropriate congressional committees a re-
13 port on how funds are appropriated and allocated pursu-
14 ant to the authorizations of appropriations under sub-
15 section (b) and section 4(e) will be used to provide short-
16 wave, AM, and FM broadcasting that covers the Central
17 Asian region and delivers independent and uncensored
18 programming.

19 **SEC. 6. LIMITATION ON UNITED STATES ASSISTANCE TO**
20 **THE GOVERNMENTS OF COUNTRIES OF CEN-**
21 **TRAL ASIA.**

22 (a) LIMITATION.—

23 (1) IN GENERAL.—Amounts made available by
24 an Act making appropriations for foreign operations,
25 export financing, and related programs for a fiscal

1 year may be provided to the government of a coun-
2 try of Central Asia only if the Secretary of State
3 certifies to the appropriate congressional committees
4 that the government of the country has made signifi-
5 cant improvements in the protection of human rights
6 during the preceding one-year period, including in
7 the areas of democratization, speech and press free-
8 doms, freedom of religion, efforts to combat torture,
9 and the rule of law.

10 (2) ADDITIONAL LIMITATION.—The limitation
11 on assistance for the government of a country of
12 Central Asia under paragraph (1) is in addition to
13 any other applicable limitation on assistance for
14 such government and any other requirement relating
15 to assistance for such government under any Act
16 making appropriations for foreign operations, export
17 financing, and related programs.

18 (b) WAIVER.—The Secretary of State may waive the
19 application of subsection (a) with respect to the govern-
20 ment of a country of Central Asia if the Secretary deter-
21 mines and reports to the appropriate congressional com-
22 mittees that such a waiver is important to the national
23 security of the United States and includes the reasons for
24 the determination.

1 (c) USE OF WITHHELD ASSISTANCE.—Any amounts
2 withheld from obligation and expenditure for assistance to
3 the government of a country of Central Asia by reason
4 of the application of subsection (a) for a fiscal year are
5 authorized to be made available for assistance for training
6 relating to democratic governance and human rights for
7 domestic civil society groups or nationals or exiles of the
8 Central Asian country who are unable to live in their own
9 country due to fear of persecution.

10 (d) EFFECTIVE DATE.—The requirements of this
11 section apply with respect to funds appropriated for assist-
12 ance for the governments of the countries of Central Asia
13 for fiscal years 2007 and 2008.

14 **SEC. 7. SANCTIONS AGAINST UZBEKISTAN.**

15 (a) LIMITATION ON ASSISTANCE.—Amounts made
16 available by an Act making appropriations for foreign op-
17 erations, export financing, and related programs for a fis-
18 cal year may be provided to the central Government of
19 Uzbekistan only if the Secretary of State determines and
20 reports to the appropriate congressional committees
21 that—

22 (1) the Government of Uzbekistan is making
23 substantial and continuing progress in meeting its
24 commitments under the ‘Declaration on the Stra-
25 tegic Partnership and Cooperation Framework Be-

1 tween the Republic of Uzbekistan and the United
2 States of America’, including respect for human
3 rights, establishing a genuine multi-party system,
4 and ensuring free and fair elections, freedom of ex-
5 pression, and the independence of the media; and

6 (2) a credible international investigation of the
7 May 13, 2005, shootings in Andijan is underway
8 with the support of the Government of Uzbekistan.

9 (b) IDENTIFICATION OF INDIVIDUALS TO BE SUB-
10 JECT TO RESTRICTIONS.—The Secretary of State shall—

11 (1) identify Uzbek officials, their immediate
12 family members, and any associates of those so
13 named, implicated in the Andijan massacre, involved
14 through the chain of command in such abuses, or in-
15 volved in other gross violations of human rights com-
16 mitted in Uzbekistan; and

17 (2) notify the Secretary of the Treasury, Attor-
18 ney General, and the appropriate congressional com-
19 mittees of such identification.

20 (c) FREEZING OF ASSETS.—

21 (1) IN GENERAL.—The Secretary of the Treas-
22 ury shall immediately block any assets, property,
23 transactions in foreign exchange, currency, or securi-
24 ties, and transfers of credit or payments between,
25 by, through, or to any banking institution under the

1 jurisdiction of the United States of an individual
2 identified under subsection (b) of this section.

3 (2) REPORTING REQUIREMENT.—Not later than
4 14 days after a decision to freeze the assets identi-
5 fied in this subsection of any individual identified
6 under subsection (b), the Secretary of the Treasury
7 shall—

8 (A) report the name of such individual to
9 the appropriate congressional committees; and

10 (B) require any United States financial in-
11 stitution holding such funds or assets shall
12 promptly report those funds and assets to the
13 Office of Foreign Assets Control.

14 (d) VISA BAN.—The Secretary of State may not issue
15 any visa to, and the Attorney General may not admit to
16 the United States, any individual identified under sub-
17 section (b) of this section.

18 (e) WAIVER.—The Secretary of the Treasury may
19 waive the prohibition in subsection (c) and the Secretary
20 of State may waive the prohibition in subsection (d) if the
21 Secretary concerned determines and certifies to the appro-
22 priate congressional committees that it is important to the
23 national security of the United States to do so.

24 (f) MUNITIONS EXPORT LICENSES.—The Secretary
25 of State shall prohibit the export to Uzbekistan of any

1 item, including the issuance of a license for the export of
2 any item, on the United States Munitions List. The Sec-
3 retary of Commerce shall prohibit the export to
4 Uzbekistan of any item on the Commerce Control List of
5 dual-use items in the Export Administration Regulations.

6 (g) REPORT REGARDING UNITED STATES POLICY
7 TOWARD UZBEKISTAN.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act, the Secretary
10 of State shall submit to the appropriate congres-
11 sional committees a report regarding United States
12 policy toward Uzbekistan.

13 (2) CONTENTS.—The report required by para-
14 graph (1) shall include a detailed description of each
15 of the following:

16 (A) The objectives of United States policy
17 toward Uzbekistan with respect to democratiza-
18 tion, human rights, economic reforms, regional
19 security, and the war on terrorism.

20 (B) The strategy of the Government of the
21 United States for achieving the objectives de-
22 scribed under subparagraph (A).

23 (C) The steps taken by the Government of
24 the United States to advance the strategy de-
25 scribed under subparagraph (B) since the mas-

1 sacre in Andijan and the decision of the Gov-
2 ernment of Uzbekistan to expel United States
3 military forces from Uzbekistan.

4 (3) FORM.—The report required by paragraph
5 (1) shall be in unclassified form but may contain a
6 classified annex.

7 (h) EFFECTIVE DATE.—The requirements of—

8 (1) subsection (a) apply with respect to funds
9 appropriated for assistance for the Government of
10 Uzbekistan for fiscal years 2007 and 2008; and

11 (2) subsections (b) through (f) apply during fis-
12 cal years 2007 and 2008.

13 **SEC. 8. REPORT.**

14 Prior to the initial obligation of assistance for the
15 government of a country of Central Asia for a fiscal year,
16 the Secretary of State shall submit to the appropriate con-
17 gressional committees a report describing—

18 (1) whether the government is forcibly return-
19 ing Uzbeks or other refugees who have fled violence
20 and political persecution, in violation of the 1951
21 Geneva Convention Relating to the Status of Refu-
22 gees and the Convention Against Torture and Other
23 Forms of Cruel, Inhuman, or Degrading Treatment;

24 (2) efforts made by the United States to pre-
25 vent such returns; and

1 (3) the response of the government to those sit-
2 uations.

3 **SEC. 9. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Appropriations and
9 the Committee on International Relations of the
10 House of Representatives; and

11 (B) the Committee on Appropriations and
12 the Committee on Foreign Relations of the Sen-
13 ate.

14 (2) COUNTRIES OF CENTRAL ASIA.—The term
15 “countries of Central Asia” means Kazakhstan,
16 Kyrgyzstan, Tajikistan, Turkmenistan, and
17 Uzbekistan.

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